

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

MDL NO. 1592

IMMUNEX CORPORATION, a Washington
Corporation and AMGEN INC., a Delaware
Corporation,

Civil Action No. 04-10740-MLW
C. D. Cal. No. CV 03-4349 MRP (CWx)

Plaintiffs,

vs.

THE TRUSTEES OF COLUMBIA
UNIVERSITY in the City of New York,
a New York Corporation,

Defendant.

AND RELATED COUNTERCLAIM

**DECLARATION OF VICKI G. NORTON IN SUPPORT OF
AMGEN INC.'S AND IMMUNEX CORPORATION'S MOTION
FOR LEAVE TO OBTAIN DISCOVERY FROM
FORESEEABLY UNAVAILABLE WITNESS DR. GOODGAL**

I, Vicki G. Norton, declare as follows:

1. I am a partner in the law firm of Wilson Sonsini Goodrich & Rosati, counsel of record for Amgen Inc. and Immunex Corporation. I am a member in good standing of the State Bar of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify to such facts.

2. We received documents describing Dr. Goodgal's work in DNA transformation using CHO cells on September 8, 2004.

3. Attached hereto as Exhibit 1 is a true and correct copy of the abstract of Grant Number 5R01GM024263-03, "Genetic Transfer in Mammalian Somatic Cells," awarded to Goodgal, S., University of Pennsylvania Fiscal Year 1980 from the website of Computer Retrieval of Information on Scientific Projects (<http://crisp.cit.nih.gov>).

4. Attached hereto as Exhibit 2 is a true and correct copy of "Notice of Grant" for "Genetic Transfer in Mammalian Somatic Cells," Grant Number 5R01GM024263-03.

5. In accordance with Local Rule 7.1(a)(2), I conferred with Columbia's counsel, Wayne Barsky on September 16th-18th, 2004, about this Motion and attempted in good faith to resolve the matter but we were unable to reach agreement.

6. Attached hereto as Exhibit 3 is a true and correct copy of a letter dated September 18, 2004 from Vicki Norton to Wayne Barsky.

Executed on September 20, 2004, at San Diego, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/Vicki G. Norton
Vicki G. Norton